

**STEPHANIE BERRY, F/K/A  
STEPHANIE WESTMORELAND,**

**Plaintiff,**

**v.**

**INFINITY FUNDING III, LLC and  
WAKEFIELD & ASSOCIATES, INC.,**

**Defendants.**

## Jury Trial Demanded

Plaintiff, by and through counsel, respectfully responds to the Court's Order dated September 28, 2018 regarding Plaintiff's failure to request the Clerk enter default or move for a default judgment pursuant to Federal Rule of Civil Procedure 55, despite Defendants' Infinity Funding III, LLC (Infinity) and Wakefield & Associates, Inc.'s (Wakefield) (collectively "Defendants") failure to timely file a responsive pleading or otherwise attempt to extend the time in which to file a responsive pleading, as provided in Eastern District of Tennessee Local Rule 12.1[See **Doc. 8**], as follows:

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WHEREFORE, the above being considered, Plaintiff respectfully requests the Court consider this response sufficient to comply with the Court's Order to timely file a response showing good cause as to why Plaintiff failed to pursue a default against Defendants.

09/30/18

Respectfully submitted,

**STEPHANIE BERRY**

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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that this 30<sup>th</sup> day of September 2018, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. The parties below were served by first-class U.S. mail, postage prepaid, or electronic mail.

s/ Alan C. Lee  
Alan C. Lee, Attorney for Plaintiff

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